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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,834	06/30/2003	Ashay A. Dani	884.945US1	3862

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EXAMINER

MCKINNON, TERRELL L

ART UNIT PAPER NUMBER

3743

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/612,834	<b>Applicant(s)</b> DANI ET AL.	
	<b>Examiner</b> Terrell L. Mckinnon	<b>Art Unit</b> 3743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/30/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/18/04</u> | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

Receipt is acknowledged of applicant's amendment filed November 12, 2004.

Claims 1-29 are pending and an action on the merits is as follows.

Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new grounds of rejection.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-22 and 26-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Toy et al. (U.S. 5,931,222) and Vrtis et al. (U.S. 6,751,099).

Toy and Vrtis disclose coated heat spreaders comprising all of the applicant's claimed and disclosed limitations of the instant invention.

Toy limitations can be found in (column 3, 52-60; column 4, lines 22-65; column 5, lines 1-5 and 20-23 and 41-60; column 6, lines 14-30 and lines 61 through column 7, line 31).

Vrtis limitations can be found in (column 2, lines 36-47; column 2, lines 66 through column 3, line 18; column 3, lines 14-30; and column 4, lines 6-12).

***Claim Rejections - 35 USC § 103***

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vrtis et al. (U.S. 6,751,099) in view of Dozier, II et al. (U.S. 5,820,014).

Vrtis discloses a method comprising: applying a pre-attached solder to the surface of the heat dissipation device surface contacting the thermal interface material (column 2, lines 66 through column 3, line 18).

Vrtis fails to disclose the solder is pre-attached by cold forming.

5. However, Dozier teaches solder being pre-attached by cold forming (column 9, lines 14-28)

Given the teachings of Dozier, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Vrtis with solder being pre-attached by cold forming.

Doing so would provide a reliable and efficient means of securing the two thermally conductive members.

6. Claims 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over in view Vrtis et al. (U.S. 6,751,099) in view of Dozier, II et al. (U.S. 5,820,014) as applied to claims above, and further in view of Kao et al. (U.S. 6,602,777).

Vrtis's invention, as modified by Dozier, discloses all of the claimed limitations from above except for the pre-attached solder being applied by solder

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intermetallic compound (IMC) formations.

7. However, Kao teaches the use of solder being applied by intermetallic compound formation (see abstract)

Given the teachings of Kao, it would have been obvious to one of ordinary skill in the art at the time of the invention to furthermore modify the cooling method of Vrtis with the use of solder being applied by intermetallic compound formation.

Doing so would provide an alternate means of applying solder between two thermally conductive members.

### ***Response to Arguments***

Applicant's arguments filed November 12, 2004 have been fully considered but they are not persuasive.

Applicant's states, Toy et al. (U.S. 5,931,222) and Vrtis et al. (U.S. 6,751,099) fails to disclose or suggest the applicant's invention.

Toy limitations can be found in (column 3, 52-60; column 4, lines 22-65; column 5, lines 1-5 and 20-23 and 41-60; column 6, lines 14-30 and lines 61 through column 7, line 31).

Vrtis limitations can be found in (column 2, lines 36-47; column 2, lines 66 through column 3, line 18; column 3, lines 14-30; and column 4, lines 6-12).

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrell L. Mckinnon whose telephone number is 571-272-4797. The examiner can normally be reached on Monday -Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on 571-272-4791. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic  
Business Center (EBC) at 866-217-9197 (toll-free).



Terrell L McKinnon

Primary Examiner

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July 25, 2005